



5349 Capital Circle NW, Tallahassee, FL 32303
www.seforensic.com | info@seforensic.com
Office: 850-577-1125 | Fax: 850-226-5723

October 21, 2024

Lauren Carroway
Morgan and Morgan
1544 Fording Island Road, Suite A
Hilton Head, SC 29926

Re: Rule 26 Report of Findings
File: Marberger v. Nivens (SEFC# 241017.4)

Dear Ms. Carroway,

Per your request, we are providing this report outlining our work to date, analysis, and opinions regarding the subject incident.

Introduction

Southeast Forensic Consultants, LLC was retained on September 17, 2024, to perform an accident reconstruction. As part of our analysis, we reviewed the available information and performed the necessary work to formulate our opinions. All opinions in this report have been based upon the available facts, the laws of physics, and peer-reviewed methodologies accepted in the scientific communities. If additional information is provided, I would like the opportunity to update my analysis and opinions if necessary.

Qualifications

I am a licensed Professional Engineer specializing in accident reconstruction and forensic engineering. I earned a Bachelor of Science in Civil Engineering from Florida State University. In addition, I have been qualified to provide accident reconstruction opinions in court. A current copy of my Curriculum Vitae has been attached to the end of this report.

Description of the Incident

According to the South Carolina Traffic Collision Report, the subject incident occurred on September 9, 2021, at approximately 11:20 a.m. on Interstate 95 North near Sumter, South Carolina. The conditions at the time of the incident were noted as being clear, daylight, and the roadway was dry.

V1, V2, and V3 were all traveling northbound on interstate 95. The green 2020 International tractor trailer (V3), driven by James Miller, was in front of the gold 2000 Chevrolet 2500 (V1) driven by Robert Marberger, and the white 2013 Peterbilt tractor trailer (V2), driven by Jeremy Nivens was in the rear. The white Peterbilt (V2) swerved in an attempt to avoid striking the gold Chevrolet (V1) and green

International (V3) who were braking in front of him. The white Peterbilt (V2) subsequently impacted the rear of the gold Chevrolet (V1) who then impacted the rear of the green International (V3). The posted speed limit was listed as 70 mph. The crash report has been attached as **Exhibit A**.

Work Performed

Below is a list of the materials reviewed and inspections performed as part of our investigation. A complete copy of this information is contained in my file. Additional exhibits may be produced for deposition or trial.

- Materials provided on October 2, 2024:
 - South Carolina Traffic Collision Report
 - Transcript from Robert Marberger's deposition dated November 30, 2022
 - Officer dash camera footage (3)
- Materials provided on October 9, 2024:
 - Photographs of the Chevrolet 2500 (4)
- Materials provided on October 10, 2024:
 - Date of incident photographs (5)
 - Internal Accident Report by Thomas Remsberg
 - Written Statement by James Miller
- Inspections performed:
 - 2000 Chevrolet 2500 (VIN: 1GCGK29JXYF515967) on November 14, 2024
- Additional materials reviewed:
 - Google Earth imagery
 - Weather reports
 - Vehicle specifications
 - Scaled computer models and diagrams
 - South Carolina CDL Handbook

Dash Camera Footage

The dash camera footage documents the responding officer's investigative efforts at the scene. The following observations were based on our review of the video:

- The dash camera footage shows the white Peterbilt tractor trailer at its point of rest. The tractor trailer is jackknifed partially on the road and partially off the road.

- There are visible tire skid marks leading to the rear of the Peterbilt trailer.
- The officers discuss a video they reviewed of the accident multiple times throughout the dash cam footage.
- The officers discussed the incident details throughout the footage with a summary of the incident below:
 - The three vehicles involved were all traveling North with the green International in front, the gold Chevrolet in the middle, and the white Peterbilt in the rear.
 - Traffic is slowing down, and the white Peterbilt swerves into the emergency lane on the right side of the road to avoid running into the back of the gold Chevrolet.
 - In the process of swerving into the emergency lane, the white Peterbilt sideswipes the gold Chevrolet.
 - The white Peterbilt clips the door of the gold Chevrolet.
 - The white Peterbilt then gets back on the road behind the gold Chevrolet that he just hit.
 - The green International in the front, was almost at a complete stop when the gold Chevrolet collided into the rear of its trailer.
 - The white Peterbilt then strikes the rear of the gold Chevrolet again.
 - The officer states the green International driver said he only felt one impact
- An image from the dash camera footage has been attached as **Exhibit B**.

Testimony

Mr. Marberger was deposed on November 30, 2022, and described his recollection of the incident. Below is a brief summary of some of the information that was considered as part of our analysis:

- The airbag did not deploy. (pg30)
- He was traveling back to Pennsylvania after going to a funeral in Florida at the time of the incident. (pg41)
- He had left Florida early in the morning, maybe 5 am or 6 am. (pg41)
- He was driving in the passing lane, when a truck came over and hit him in the side, and then he hit a wall. He was knocked out, and doesn't know what happened after that (pg52-53)
- He doesn't know which truck hit him in the side (pg53)
- He was not sure which tractor trailers were involved (as he was getting loaded into the ambulance), he just knows the one in front is the only one he saw (pg55-56)
- The tractor trailer in front of him (as he was getting loaded into the ambulance) was the one that hit him from the side (pg56)
- The truck hit him on the right side of his vehicle (pg54)
- He was traveling at 70 mph on cruise control (pg57)

Incident Site

The following observations were based upon our review of the available photographs, Google Earth imagery, and materials listed above:

- The subject incident occurred in the northbound lanes of interstate 95. There are two northbound lanes and two southbound lanes, with a wooded median. The road was paved with asphalt, relatively flat and straight, and there was an emergency lane on the right side.

Chevrolet 2500 Vehicle Inspection

The following observations were based upon our review of the available photographs, inspection of the subject vehicle, and materials listed above:

- The 2000 Chevrolet 2500 was inspected on November 14, 2024. Photographs and measurements were taken at the time of the inspection. This included a 3D image-based scan.
- It is an extended cab, four-wheel drive model with a steel flatbed.
- It was not equipped with an airbag, so it does not have an ACM (airbag control module), which is normally downloaded to retrieve crash data.
- The Chevrolet had multiple damaged areas including the front, passenger side, and rear.
 - The frontal damage included the bumper, grille, hood, radiator support, left fender, and a left front wheel de-bead.
 - The passenger side damage included the front door, rear door area, rear door window, bottom rear of cab, fender, side mirror, and rear suspension.
 - The damage to the rear of the truck was focused on the right side, two feet from the side of the steel flatbed. The damage extended under the bed as well, displacing the rear axle towards the front.
 - The driver side of the Chevrolet was mainly undamaged with the exception of the front fender and front tire de-bead.
- The front of the Chevrolet had a stamp mark which is consistent with an impact to the horizontal and vertical light protection on the rear of the tractor trailer. (**Exhibit C**)
- There are no offset stamp markings or crush areas in the front of the Chevrolet.
- At the time of my inspection, the passenger side of the front bumper had been pulled away from the tire, closer to its pre-impact location.

Tractor Trailers

The following observations were based upon our review of the available photographs and materials listed above:

- The green International has visible damage to the rear of the trailer, mainly to the underride guard which is bent forward on the passenger side.
- The white Peterbilt has visible damage to the driver side of the tractor including the left front corner, front fender, cab steps, fuel tank, and gouges and scrub marks on the cab.

Analysis

All analysis performed has been based upon the available facts, information above, the laws of physics, and peer-reviewed methodologies accepted in the scientific communities. A summary of our analysis has been provided below:

Accident Reconstruction:

- A crush analysis was used to calculate crush energy, equivalent barrier speed, and maximum crush force. Crush analysis is an application of the law of conservation of energy.
- A momentum analysis was used to determine the closing speed (the difference in speed between the two vehicles). Momentum analysis was also used to determine the ΔV (change in speed) of the vehicles. Conservation of momentum is a principle derived from Newton's laws of motion. Momentum is proportional to vehicle velocity times vehicle weight.
- Kinematic equations were used to calculate the pre impact velocity of the white Peterbilt. Using post impact travel distance from scale drawings, drag factors, pre impact speeds can be determined.
- Scaled 3D diagrams and images were created from point clouds, meshes, and imagery taken on the date of the incident. Two examples are attached as **Exhibit D & E**

Conclusions

The conclusions below are based upon our work performed, my analysis and experience, materials reviewed, and methodologies referenced in this report:

- There are two different characteristic markings on the passenger side of the gold Chevrolet.
 - The first set is at approximately the same height as the rub rails on a tractor's trailer and are near horizontal, consistent with the sideswipe incident discussed by the officers in the dash camera footage.
 - The second set of markings are near the bottom of the cab and slant upwards and towards the front of the Chevrolet. These are likely the result of the larger rear impact when the white Peterbilt under rode the Chevrolet, damaging the suspension, and displacing the rear axle forward.
- The gold Chevrolet had only one impact with the rear of the green International.
- The green International was near stopped at the time the white Peterbilt rear-ended the gold truck.
- The white Peterbilt was traveling approximately 30 mph at the time it rear-ended the gold Chevrolet which propelled the gold Chevrolet into the rear of the green International.
- The gold Chevrolet would have had a ΔV in the forward direction from getting rear-ended by the white Peterbilt, and then another ΔV in the opposite direction from hitting the back of the green International.
- The closing speed of the gold Chevrolet into the green International was between 15-20 mph, causing the gold Chevrolet to have a near 15 mph ΔV .
- If the white Peterbilt had maintained a safe following distance and been attentive, there would have been ample time to stop before colliding with the gold Chevrolet.

In presenting my opinions to the jury, I anticipate preparing and utilizing the following demonstratives:

- Labeled and annotated photographs and videos identifying key pieces of information.
- Aerial imagery.
- Date of incident photographs and videos.
- Inspection photographs.
- Accident reconstruction calculations, videos, drawings, and diagrams resulting from my analysis.

Attached to this report is a copy of my current Curriculum Vitae, Testimony List, and Fee Schedule outlining my qualifications, experience, and fees for service. My current hourly rate is \$295 per hour and \$385 per hour for testimony.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Chapman', with a long horizontal flourish extending to the right.

Carter K. Chapman, P.E.
Southeast Forensic Consultants, LLC



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CURRICULUM VITAE

CARTER K. CHAPMAN, P.E.

PROFESSIONAL SUMMARY

Carter Chapman is a licensed Professional Engineer specializing in accident reconstruction. He has a Bachelor of Science degree in Civil Engineering from Florida State University. Carter is experienced in accident reconstruction, civil site design, premises safety, and safety engineering. He is recognized as a Certified Safety Professional (CSP), Walkway Auditor Certificate Holder (WACH), and is certified in crash data retrieval. Carter has also reconstructed crashes involving commercial vehicles, passenger vehicles, agricultural equipment, motorcycles, bicycles, personal mobility devices, pedestrians, and he is Advanced Maintenance of Traffic (MOT) certified.

PROFESSIONAL EXPERIENCE

- Southeast Forensic Consultants, LLC, Senior Forensic Consultant I: 2024 – Present
- Quest Engineering and Failure Analysis, Forensic Engineer: 2017 – 2024
- George and Associates Consulting Engineers, Inc. (Engineering, Utilities, Transportation, and Site Design), Project Engineer: 2014 – 2017

EDUCATIONAL BACKGROUND

- Florida State University, Bachelor of Science in Civil Engineering

PROFESSIONAL LICENSURE

- Florida Board of Professional Engineers, Professional Engineer (P.E.), No. 88692
 - Special Qualifications:
 - Civil
 - Florida Building Code

CERTIFICATIONS AND ACCREDITATIONS

- Board of Certified Safety Professionals, Certified Safety Professional (CSP)
- Federal Aviation Administration (FAA), Remote Pilot with sUAS Certification
- Temporary Traffic Control, Advanced, Cert. No.: 625867 (FDOT)
- National Floor Safety Institute (NFSI), Walkway Auditor Certificate Holder
- Commercial Driver's License, Class A
- Motorcycle Endorsement

PROFESSIONAL DEVELOPMENT

- Northwestern University Center for Public Safety, Traffic Crash Reconstruction I: This course focuses on analyzing and interpreting information that has been collected during the accident investigation to describe how the actual accident occurred.
- Northwestern University Center for Public Safety, Traffic Crash Reconstruction for Engineers: This course covers a combination of material in Traffic Crash Reconstruction I and II, focusing on mechanics, momentum, and energy calculations to reconstruct an accident.
- Institute of Police Technology and Management (IPTM), Human Factors in Traffic Crash Reconstruction: This course explores essential research that sets the standard for conducting scientifically robust crash investigations and for understanding driver responses in the context of what is typically expected under normal driving conditions. Topics include how to perform a proper methodology, driver perception and response times, day vs night, driver behavior, vehicle and roadway factors, and factors that influence nighttime recognition.
- Society of Automotive Engineers (SAE), Applying Automotive EDR Data to Traffic Crash Reconstruction: This course focuses on analyzing event data recorder data, applying it to crash reconstruction, and reconciling the data with calculations using other data sources.
- Society of Automotive Engineers (SAE), Accessing and Interpreting Heavy Vehicle Event Data Recorders: This course highlights the various vehicle systems and triggering events that may provide data useful in a collision investigation. Techniques for preservation and interpretation of HVEDR data are also reviewed.

- Society of Automotive Engineers (SAE), The Fundamentals of Vehicle Dynamics: This course focuses on vehicle performance including, mechanisms and engineering principles that govern steering and suspension systems, and analysis in predicting the performance of a car or truck in accelerating, braking, ride, and handling/rollover.
- Northwestern University Center for Public Safety, Traffic Crash Investigation I: This course develops techniques for obtaining information from witnesses and individuals involved in the crash, recognizing and properly recording roadway and vehicle evidence, measuring and photographing the crash scene, and creating sketches and after-crash diagrams. The course also introduces students to the use of electronic devices (EDR) to collect and record at-scene data.
- Institute of Police Technology and Management (IPTM), Bosch CDR Technician: This course teaches you how to use the Bosch Crash Data Retrieval (CDR) Tool to successfully collect data from various vehicle modules from modern vehicles.
- A&SW Consultants, Maintenance of Traffic Advanced Level Class: This course is designed to train individuals to design, set up, and maintain temporary traffic control in work zones. It also focuses on reading and interpreting traffic control plans and specifications for implementation
- A&SW Consultants, Maintenance of Traffic Advanced Refresher Level Class: This course reviews changes to Index 600 and MUTCD, which affect traffic control operations, as well as reiterate work zone practices.
- American Traffic Safety Services Association (ATSSA), TTC Florida Advanced Refresher: This course provides an overview of the Florida Advanced training course with concentration on the applicable changes that have occurred in the most recent four years to the Design Standards, Part 6 of the MUTCD, Plans Preparation Manual, Construction Project Administration Manual, and Standard Specifications for Road and Bridge Construction.
- OSHA Education Center, OSHA Forklift Certification Course: This course fully complies with OSHA's general industry and construction standards for forklift operator training. The course focuses on the formal instruction topics needed to earn a forklift license and safely operate Class I to Class VII forklifts.
- American Safety Council, Pallet Jack Course: This course covers safe operating procedures, principles of stability, accident prevention techniques and more. Participants learn about certification requirements for motorized pallet jacks and best practices for operating manual pallet jacks.

- National Floor Safety Institute, Walkway Auditor Training: This course was designed to educate individuals involved in the walkway safety industry on the proper techniques of auditing the traction of walkways through observation and measurement based on the NFSI B101 Standards. Also included are slip, trip and fall causations, proper use of warnings, and the importance of proper maintenance.
- National Fire Protection Agency (NFPA), NFPA 101 Life Safety Code Essentials: This course is designed to provide you with the knowledge and confidence to accurately apply the code in your work. From determining safe means of egress to requirements for the protection of vertical openings and hazardous areas, this training is a must-have for anyone responsible for building safety and compliance.
- University of South Florida OSHA Training Institute Education Center, OSHA Walking and Working Surfaces for General Industry: This course focuses on the potential hazards on walking-working surfaces within the workplace. This can include a variety of surfaces, including loose carpets, ramps, and slippery floors. Included in this course are sections addressing outdoor and indoor surfaces, prevention strategies, accident profiles, and more.
- Recon 3D Certificate Course: The course focuses on using the recon 3d software to properly scan using 3d point cloud data.
- School of PE, PE Civil Exam Review: comprehensive review of civil engineering topics and an in-depth review of Transportation topics covered within the NCEES PE Civil Transportation exam.
- Bowen EHS, ASP-CSP Exam Review: This course teaches how to identify and apply risk and safety management
- Motorcycle Safety Foundation (MSF), Basic Rider Course: course covered the basic operation and skills required to operate and control a motorcycle.



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TESTIMONY LIST

Carter K. Chapman, P.E.

Internal File #	CASE STYLE	Trial/Deposition Location	DATE
10115	Gloria Jeter vs. Gadsden County Board of Commissioners	Tallahassee, FL	3/17/2021
10040	Gregory Walker vs. Leon County, Florida	Tallahassee, FL	4/2/2021
10291	Walker-Hemphill, Vickie v. Jiffy Food Store	Tallahassee, FL	2/14/2022
10539	Charles Weaver vs. St. James Primitive Baptist Church	Tallahassee, FL	3/09/2022
10528	Patricia Kemp vs. Bass Pro	Tallahassee, FL	3/17/2022
10291	Walker-Hemphill, Vickie vs. Jiffy Food Store	Mayo, FL	3/29/2022
10539	Charles Weaver vs. St. James Primitive Baptist Church	Tallahassee, FL	3/31/2022
10539	Charles Weaver vs. St. James Primitive Baptist Church	Quincy, FL	5/3/2022
10665	Bartelme, Eric v. Anderson Columbia Co., Inc.	Tallahassee, FL	8/15/2022
10665	Bartelme, Eric v. Anderson Columbia Co., Inc.	Live Oak, FL	8/31/2022
10752	Troy Knight Jr. v. Crowder Excavating & Land Clearing	Tallahassee, FL	9/21/2022
10738	Paul Riesenbergs v. Geico General Insurance Company	Tallahassee, FL	10/06/2022
9839	Wendy Little vs. Anthony Salvatore Maggio, Enterprise Leasing Company of Georgia, LLC D/B/A Enterprise Rent -A-Car, Georgia Dept. Of Transportation	Tallahassee, FL	11/02/2022
10779	Carol Cohane v. Tallahassee Hotel (Holiday Inn)	Tallahassee, FL	11/17/2022
9805	Estate of Samuel Wilson vs. Wal-Mart Stores East L.P. and Amigo Mobility International, Inc.	Tallahassee, FL	11/18/2022
10808	Leslie LaFond v. Red Lobster Hospitality LLC.	Tallahassee, FL	12/01/2022
10643	Donna McGuire v. Goodwill Industries Big Bend, Inc. d/b/a/ Super Suds	Tallahassee, FL	02/22/2023
9532	Berry Leventhal v. Omni Hotels & Resorts	Tallahassee, FL	04/20/2023
10639	Susan Scarbrough v. City of Fort Gaines	Tallahassee, FL	05/22/2023
11070	David B. Perry and Leona Perry v. J Brown Professional Group, Inc. Watson Construction Company LLC and Wimberley 352, LLC.	Tallahassee, FL	06/05/2023
10249	Tabitha Spiker v. Pilot Travel Centers, LLC,	Tallahassee, FL	06/20/2023
10943	John Papais v. Palm Beach County	Tallahassee, FL	08/23/2023
11134	Carol King and Billy Frazier V. Cuba Tropical, Inc. and Jose Antonio Pino	Tallahassee, FL	08/29/2023
10406	Ada White V. Kanaby	Tallahassee, FL	11/09/2023



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10272	Justin Hartwell V. Larry Spain and Misty Blue acres, LLC.	Tallahassee, FL	02/07/2024
9551	Jacob McLendon V. National Drying Technologies, LLC.	Tallahassee, FL	02/08/2024
10638	Terrance Cook V. Saul Siber	Tallahassee, FL	02/27/2024
11312	Michael Foster V. Casey Industrial, Inc.; et al.;	Tallahassee, FL	04/18/2024
11436	Kenneth Jenkins Vs. McLane Foodservice Dist. Inc.	Tallahassee, FL	06/20/2024
11472	Merle Nagle vs. William Domenech and UNI-TEX Cranes Inc.	Tallahassee, FL	09/24/2024

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SEFC Fee Schedule

Federal ID Number: 46-3370140

Hourly Rates:

Title (see current curriculum vitae)	In-Office or Fieldwork/Travel	Court Appearance & Depositions
Senior Forensic Consultant II	\$365/hour*	\$415/hour*
Senior Forensic Consultant I	\$295/hour*	\$385/hour*
Forensic Consultant	\$245/hour*	\$320/hour*
Forensic Technician	\$189/hour*	Inquire
Project Manager	\$89/hour	Inquire

Additional Costs/Fees:

New Assignment Retainer Requests	Starting at \$3,500 (Inquire)
Quick Response/Rush/Weekend Surcharge (<i>after COB/weekends</i>)	+20%
Crash Data Retrieval (Passenger car "Black Box" Imaging) Equipment Fee	\$500/each
Drone Photography Equipment Fee	\$300/each
Heavy Vehicle Weight Scales/Brake-Testing, Tribometer, Force Gauges	\$500/each
Heavy Vehicle (ECM or ABS) Data Retrieval Equipment Fee	\$900/each
Per diem (travel or field work > 6 hours)	\$75/each
Mileage	\$0.98/mile
Printed Copies/Printed File Production	\$1.20/page
Vehicle History Reports	\$25-\$75/each
Electronic File Production (Small)	\$150/file + \$0.40/page
Electronic File Production (Large)	\$150/file + \$40/GB
NearMap Aerial Imagery Mapping & Geospatial Data	\$125+/each
Deposition Retainer Prepayment - Local/Zoom (required to be received at least 7 days prior to ensure scheduling hold)	3-hour minimum (inquire)
Deposition Retainer Prepayment - Non-Local (required to be received at least 7 days prior to ensure scheduling hold)	3-hour minimum + portal to portal travel fees (inquire)
Evidence Storage (smaller than 2 cubic feet)	\$55/month (billed quarterly)
Evidence Storage (2-5 cubic feet)	\$95/month (billed quarterly)
Evidence Storage (bulky/vehicle/> 5 cubic feet)	Inquire
Trial display boards/graphic displays	Inquire
3D Models	Inquire
Animations	Inquire
Reenactments/Demonstrations	Inquire

**Fees are portal to portal from the location of the traveling staff member unless otherwise agreed upon in writing. All fees may be reviewed and revised on a bi-annual basis. Current employee titles and/or Curriculum Vitae's are available upon request.*

Terms: Payments must be received within 30 days from date of invoice. Past due payments will incur a 1.5% monthly fee on unpaid balances, until paid in full.

SOUTH CAROLINA DPS/OHS & DMV USE ONLY										SOUTH CAROLINA TRAFFIC COLLISION REPORT FORM (Rev. 04/2018)										Exhibit B																																																																																																			
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M460445523330																				UNITED STATES FIRE INS										Yes No										BALTIMORE MD 21227																																																																															
Year 2020										Body DS										Vehicle Make										VIN										Estimated Speed										Speed Limit										C.D.L. Req										T/B S Req										Alc/Drg info (see back)																																							
INTI																				3HSDZTRXLN102113										60										70										56-05-1620(A)										Statute #										Statute #										Towed By																																							
Dir. of Travel										Unit 1: (N) S E W										Unit 2: (N) S E W										Unit 3: (N) S E W																																																																																									

SE Forensic000015





SEForensic000017

Exhibit C

Conceptual Diagram



SEForensic000018

Exhibit D

